

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

THOMAS B. FARLEY, JR., et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 2:05-0917

ORIX FINANCIAL SERVICES,

Defendant.

MEMORANDUM OPINION AND ORDER

Pending before the court is plaintiffs' second motion for relief from a judgment obtained by defendant in the United States District Court for the Southern District of New York. (Doc. No. 25.) On July 27, 2006, this court denied plaintiffs' first motion for relief from judgment. (See Doc. No. 21.)

On August 1, 2006, plaintiffs filed their second motion, indicating that the United States District Court for the Southern District of New York had vacated its default judgment against plaintiff, reopened its action, and set a pretrial conference for August 18, 2006. (See Doc. No. 25.) Plaintiffs' motion requests that this court order the transfer of the case currently proceeding in the Southern District of New York to the Southern District of West Virginia. (Id. at 1.)

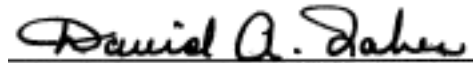
It is clear that plaintiffs' second motion for relief must be denied as this court is without the authority to order a court in a different federal district to transfer a case. The court can only order the transfer of cases over which it possesses

jurisdiction. See TechnoSteel, LLC v. Beers Constr. Co., 271 F.3d 151, 157 (4th Cir. 2001). The court cannot give itself jurisdiction over a New York case. As such, plaintiffs' second motion for relief (Doc. No. 25) must be **DENIED**.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to all counsel of record.

It is **SO ORDERED** this 14th day of August, 2006.

Enter:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Chief Judge